

107TH CONGRESS
1ST SESSION

S. 1523

To amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

IN THE SENATE OF THE UNITED STATES

OCTOBER 10, 2001

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security Fair-
5 ness Act of 2001”.

6 **SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVI-**
7 **SIONS.**

8 (a) WIFE’S INSURANCE BENEFITS.—Section 202(b)
9 of the Social Security Act (42 U.S.C. 402(b)) is
10 amended—

1 (1) by striking “and paragraph (4) of this sub-
 2 section” in paragraph (2); and

3 (2) by striking paragraph (4) and redesignating
 4 paragraph (5) as paragraph (4).

5 (b) HUSBAND’S INSURANCE BENEFITS.—Section
 6 202(c) of such Act (42 U.S.C. 402(c)) is amended—

7 (1) by striking paragraph (2) and redesignating
 8 paragraphs (3) through (5) as paragraphs (2)
 9 through (4), respectively; and

10 (2) by striking “and paragraph (2) of this sub-
 11 section” in paragraph (2) as so redesignated.

12 (c) WIDOW’S INSURANCE BENEFITS.—Section
 13 202(e) of such Act (42 U.S.C. 402(e)) is amended—

14 (1) by striking “, paragraph (7) of this sub-
 15 section,” in paragraph (2)(A); and

16 (2) by striking paragraph (7) and redesignating
 17 paragraphs (8) and (9) as paragraphs (7) and (8),
 18 respectively.

19 (d) WIDOWER’S INSURANCE BENEFITS.—

20 (1) IN GENERAL.—Section 202(f) of such Act
 21 (42 U.S.C. 402(f)) is amended—

22 (A) by striking paragraph (2) and redesign-
 23 ating paragraphs (3) through (9) as para-
 24 graphs (2) through (8), respectively; and

1 (B) by striking “, paragraph (2) of this
 2 subsection,” in paragraph (2) as so redesign-
 3 nated.

4 (2) CONFORMING AMENDMENTS.—

5 (A) Section 202(f)(1)(B) of such Act (42
 6 U.S.C. 402(f)(1)(B)) is amended by striking
 7 “paragraph (5)” and inserting “paragraph
 8 (4)”.

9 (B) Section 202(f)(1)(F) of such Act (42
 10 U.S.C. 402(f)(1)(F)) is amended by striking
 11 “paragraph (6)” and “paragraph (5)” (in
 12 clauses (i) and (ii)) and inserting “paragraph
 13 (5)” and “paragraph (4)”, respectively.

14 (C) Section 202(f)(5)(A)(ii) of such Act
 15 (as redesignated by paragraph (1)(A) of this
 16 subsection) is amended by striking “paragraph
 17 (5)” and inserting “paragraph (4)”.

18 (D) Section 202(k)(2)(B) of such Act (42
 19 U.S.C. 402(k)(2)(B)) is amended by striking
 20 “or (f)(4)” each place it appears and inserting
 21 “or (f)(3)”.

22 (E) Section 202(k)(3)(A) of such Act (42
 23 U.S.C. 402(k)(3)(A)) is amended by striking
 24 “or (f)(3)” and inserting “or (f)(2)”.

1 (F) Section 202(k)(3)(B) of such Act (42
 2 U.S.C. 402(k)(3)(B)) is amended by striking
 3 “or (f)(4)” and inserting “or (f)(3)”.

4 (G) Section 226(e)(1)(A)(i) of such Act
 5 (42 U.S.C. 426(e)(1)(A)(i)) is amended by
 6 striking “and 202(f)(5)” and inserting “and
 7 202(f)(4)”.

8 (e) MOTHER’S AND FATHER’S INSURANCE BENE-
 9 FITS.—Section 202(g) of such Act (42 U.S.C. 402(g)) is
 10 amended—

11 (1) by striking “Except as provided in para-
 12 graph (4) of this subsection, such” in paragraph (2)
 13 and inserting “Such”; and

14 (2) by striking paragraph (4).

15 **SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.**

16 (a) IN GENERAL.—Section 215 of the Social Security
 17 Act (42 U.S.C. 415) is amended—

18 (1) in subsection (a), by striking paragraph (7);

19 (2) in subsection (d), by striking paragraph (3);

20 and

21 (3) in subsection (f), by striking paragraph (9).

22 (b) CONFORMING AMENDMENTS.—Subparagraphs
 23 (C) and (D) of section 202(e)(2) of such Act (42 U.S.C.
 24 402(e)(2)(C), (D)) are each amended by striking “section

1 215(f)(5), 215(f)(6), or 215(f)(9)(B)” and inserting
2 “paragraph (5) or (6) of section 215(f)”.

3 **SEC. 4. EFFECTIVE DATE.**

4 The amendments made by this Act shall apply with
5 respect to monthly insurance benefits payable under title
6 II of the Social Security Act for months after December
7 2001. Notwithstanding section 215(f) of the Social Secu-
8 rity Act, the Commissioner of Social Security shall adjust
9 primary insurance amounts to the extent necessary to take
10 into account the amendments made by this Act.

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